

MOU – Programmatic Categorical Exclusions Approvals

***Memorandum of Understanding
Between
Washington State Department of Transportation
and
Federal Highway Administration***

Programmatic Categorical Exclusion Approvals

This Memorandum of Understanding (MOU) between the Washington State Department of Transportation (WSDOT) and the Federal Highway Administration (FHWA) *[words omitted on original]* agreement for classifying projects as Categorical Exclusions (CE) identified in 23 CFR Part 771.117 - Environmental Impact and Related Procedures.

- A. Actions identified in 23 CFR 771.117(c) that meet the criteria of 23 CFR 771.117(a) do not require further approvals by FHWA.
- B. WSDOT and FHWA concur in advance with a categorical exclusion (CE) classification for those projects identified in 23 CFR 771.117(d) which have no significant environmental impacts. Actions so identified do not require further approvals by FHWA. For these actions, WSDOT certifies that the criteria of 23 CFR 771.117(a) and all the following conditions will be satisfied for all of the projects processed under this programmatic classification and approval process.

The following conditions will apply to those actions that qualify under 23 CFR 771.117(d), which are processed by WSDOT under this programmatic approach:

- 1. The action does not have any significant environmental impacts as described in 23 CFR 771.117(a);
 - 2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b);
 - 3. The action does not involve the following:
 - a. The acquisition of more than minor amounts of temporary or permanent strips of right of way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements;
 - b. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303);
 - c. A determination of adverse effect by the State Historic Preservation Officer;
 - d. Any U.S. Coast Guard construction permits or any U.S. Army Corps of Engineers Section 404 permits;
 - e. Any work in wetlands;
 - f. Any work encroaching on a regulatory floodway or any work affecting the base floodplain (100-year flood) elevations of a water course or lake;
 - g. Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agricultural;
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- h. Any changes in access control;
 - i. The use of a temporary road, detour, or ramp closure unless the use of such facilities satisfy the following conditions:
 - (1) Provisions are made for access by local traffic and so posted;
 - (2) Through-traffic dependent business will not be adversely affected;
 - (3) The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival;
 - (4) The temporary road, detour or ramp closure does not substantially change the environmental consequences of the action;
 - (5) There is no substantial controversy associated with the use of temporary road, detour, or ramp closure;
 - j. Any known hazardous materials sites or previous land uses with potential for hazardous materials sites or previous lands uses with potential for hazardous materials remains within the right of way;
- 4. The action conforms to the Air Quality State Implementation Plan, which is approved or promulgated by the Environmental Protection Agency in air quality non-attainment areas;
 - 5. The action is consistent with the state's Coastal Zone Management Plan as determined by the appropriate state agency;
 - 6. The analysis required by Section 7 of the Endangered Species Act indicates that this project will have no effect on Federally listed threatened and endangered species.

All determinations made by the WSDOT under this blanket classification will be documented in the project summary outlined in the WSDOT Design Manual and Programming and Operations Manual, Construction Program. The project summary will be available for FHWA review upon request.

- C. If one or more of the conditions outlined in Paragraph B are not satisfied, separate environmental documentation on the appropriate WSDOT environmental summary form will be required as defined in 23 CFR 771.117(d).

The environmental classification for all projects will be identified on the project authorization submitted to the FHWA Division Office. Submittal of documentation for projects identified as Categorical Exclusions under paragraphs A and B is not required.

(original signed)

Donald K. Nelson
Assistant Secretary
Environmental & Engineering Service Center
Washington State Department of Transportation

(Dated 5/24/99)

Date

(original signed)

Gene K. Fong
Division Administrator
Washington State Division Field Office
Federal Highway Administration

(Dated 5/25/99)

Date